

Exhibit 18

CHRISTOPHER FAIN, ET AL vs.
WILLIAM CROUCH, ET AL

LOREN S. SCHECHTER, MD
03/28/2022

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
3 HUNTINGTON DIVISION

4 CHRISTOPHER FAIN; ZACHARY
5 MARTELL; BRIAN MCNEMAR, SHAWN
6 ANDERSON a/k/a SHAUNTAE ANDERSON;
7 and LEANNE JAMES, individually
8 and on behalf of all others
9 similarly situated,

10 Plaintiffs,

11 Civil Action No. 3:20-cv-00740
12 Hon. Robert C. Chambers, Judge

13 v.

14 WILLIAM CROUCH, in his official
15 capacity as Cabinet Secretary
16 of the West Virginia Department
17 of Health and Human Resources;
18 CYNTHIA BEANE, in her official
19 capacity as Commissioner for
20 the West Virginia Bureau for
21 Medical Services; WEST VIRGINIA
22 DEPARTMENT OF HEALTH AND HUMAN
23 RESOURCES, BUREAU FOR MEDICAL
24 SERVICES; JASON HAUGHT, in his
official Capacity as Director
of the West Virginia Public
Employees Insurance Agency;
and THE HEALTH PLAN OF WEST
VIRGINIA, INC.,

Defendants.

VIDEO CONFERENCE DEPOSITION
OF
LOREN S. SCHECHTER, M.D.
March 28, 2022

CHRISTOPHER FAIN, ET AL vs.
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LOREN S. SCHECHTER, MD
03/28/2022

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4 VIDEO CONFERENCE DEPOSITION
5 OF
6 LOREN S. SCHECHTER, M.D.
7 March 28, 2022

8 Videoconference deposition of DR.

9 LOREN S. SCHECHTER taken by the Defendants
10 under the West Virginia Rules of Civil
11 Procedure in the above-entitled action,
12 pursuant to notice, before Teresa S. Evans, a
13 Registered Merit Reporter, all parties located
14 remotely, on the 28th day of March, 2022.

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16
17
18 REALTIME REPORTERS, LLC
19 TERESA S. EVANS, RMR, CRR
20 713 Lee Street
21 Charleston, WV 25301
22 (304) 344-8463
23 realtimereporters.net
24

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LOREN S. SCHECHTER, MD
03/28/2022

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CHRISTOPHER FAIN, ET AL vs.
WILLIAM CROUCH, ET AL

LOREN S. SCHECHTER, MD
03/28/2022

1 Q. And when you reviewed that policy, did you
2 believe that those procedures were entirely
3 excluded or -- excuse me, or not covered for
4 transgender patients or for people with gender
5 dysphoria?

6 MS. HUPPERT: Objection to form?

7 A. So it would typically only be transgender
8 individuals who would seek to access those
9 interventions.

10 Q. Well, for instance, in your report, you
11 frequently mention that individuals with breast
12 cancer receive double mastectomy. That's a common
13 occurrence for an individual with cancer, correct?

14 A. That can be, yes, one of the options, as --
15 there may be others.

16 Q. Did you see anything in any of the
17 insurance policies that you reviewed that said if a
18 individual has breast cancer and a double
19 mastectomy is the procedure that is recommended,
20 that the transgendered individual cannot undergo
21 that procedure, it's not covered?

22 MS. HUPPERT: Objection to form.

23 A. So again, I'm -- sex transformation
24 procedures would only be done for transgender

CHRISTOPHER FAIN, ET AL vs.
WILLIAM CROUCH, ET AL

LOREN S. SCHECHTER, MD
03/28/2022

1 individuals.

2 Q. Okay. What if a cisgender individual
3 wanted one of those procedures?

4 A. Which procedure?

5 Q. A -- we'll do a top surgery. What if a
6 cisgender individual requested a top surgery from
7 -- requested prior approval for coverage for a top
8 surgery from West Virginia Medicaid?

9 MS. HUPPERT: Object to form.

10 A. And again, I would need to know more about
11 the situation. "Top surgery" meaning --

12 Q. A -- we'll say a double mastectomy.

13 MS. HUPPERT: Object to form.

14 A. Cisgender individuals may undergo double
15 mastectomies for a variety of indications: A
16 predisposition, for example, to breast cancer. So
17 an individual, cisgender woman - or for that
18 matter, a cisgender man - may have a genetic
19 predisposition, a strong family history.

20 Mastectomy may be one of the treatment
21 options open to them.

22 Q. And is there anything that you reviewed
23 that would suggest to you that in those same
24 situations for transgender individuals, that those

CHRISTOPHER FAIN, ET AL vs.
WILLIAM CROUCH, ET AL

LOREN S. SCHECHTER, MD
03/28/2022

1 coverages are not available to them?

2 MS. HUPPERT: Object to form.

3 A. So again, the sex transformation -- again,
4 I apologize. I don't like that particular term,
5 but we'll use, I believe, what's in it. Sex
6 transformation would only be performed for a
7 transgender individual.

8 A cisgender individual -- at least I
9 haven't had that experience in my practice, to seek
10 a, quote, sex transformation procedure.

11 Q. Are you aware of West Virginia Medicaid
12 denying coverage for a double mastectomy for
13 someone with cancer because they are transgender?

14 MS. HUPPERT: Objection to form.

15 A. Again, my issue is the exclusion or the
16 lack of coverage for sex transformation procedures,
17 which again, are only performed on transgender
18 individuals.

19 Q. So I can ask the question again. Are you
20 aware of West Virginia Medicaid denying coverage to
21 an individual with cancer, noncoverage for a double
22 mastectomy, for an individual with cancer because
23 they are transgender?

24 MS. HUPPERT: Object to form.

CHRISTOPHER FAIN, ET AL vs.
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1 A. I don't recall the specific scale.

2 Q. Okay. Are you familiar with the Grade
3 system providing a strong treatment recommendation?

4 MS. HUPPERT: Object to form.

5 A. I'd have to see the specific scale. I
6 can't speak contemporaneously to the specifics of
7 how they do it, how they -- how Grade grades.

8 Q. Okay. Now, Doctor, in your original report
9 - and I believe that it's in Paragraph 18 - you
10 state "The term transgender is used to describe a
11 diverse group of individuals whose gender identity
12 or internal sense of gender differs from the sex
13 they were assigned at birth."

14 Is that an accurate statement?

15 A. It is.

16 Q. Okay. And there are a couple of different
17 terms in there that I'd like you to define. And
18 the first one is sex.

19 A. Sure. So sex is comprised of several
20 factors, which may include one's anatomy, typically
21 external and/or internal genitalia, chromosomes and
22 their gender identity, their internal sense of who
23 they know themselves to be.

24 Q. So an individual -- let me ask: Do you